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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4593
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0879
RUEHBY/AMEMBASSY CANBERRA 9654
RUEHKA/AMEMBASSY DHAKA 4159
RUEHLO/AMEMBASSY LONDON 1615
RUEHNE/AMEMBASSY NEW DELHI 3341
RUEHUL/AMEMBASSY SEOUL 6750
RUEHTC/AMEMBASSY THE HAGUE 0517
RUEHKO/AMEMBASSY TOKYO 4365
RUEHCI/AMCONSUL CALCUTTA 0748
RUEHCN/AMCONSUL CHENGDU 0749
RUDKIA/AMCONSUL CHIANG MAI 0402
RUEATRS/DEPT OF TREASURY WASHDC
RUEHGV/USMISSION GENEVA 2680
RHEHNSC/NSC WASHDC
RUEKJCS/SECDEF WASHDC
RUEKJCS/JOINT STAFF WASHDC
RUCNDT/USMISSION USUN NEW YORK 0324
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000699

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STATE FOR EAP/MLS; PACOM FOR FPA; TREASURY FOR OASIA:AJEWELL

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TAGS: [ELAB](#) [ECON](#) [PGOV](#) [PREL](#) [BM](#)

SUBJECT: ILO REP PESSIMISTIC BEFORE LABOR CONFERENCE

REF: A. RANGOON 679

[1](#)B. RANGOON 403

[1](#)C. RANGOON 094

RANGOON 00000699 001.2 OF 002

Classified By: Econoff TLManlowe for Reason 1.4 (b,d).

[1](#)1. (C) Summary: On the eve of the annual International Labor Conference (ILC), ILO Liaison Officer Richard Horsey has seen no signals that the new openness that UN Under Secretary General Gambari thought he saw during his meeting with Senior General Than Shwe would extend to forced labor. Horsey noted that the June ILC meeting offers the first opportunity for the GOB to demonstrate its commitment to cooperate. The GOB's action on this issue, and behavior in the ILC meetings next week, could be important factors in any future UN Security Council deliberations on Burma. End Summary.

[1](#)2. (C) Richard Horsey, ILO Liaison Officer, a.i., briefed Charge on May 26, prior to his departure for the annual ILO International Labor Conference (ILC) in Geneva. Horsey said he saw some reason for optimism about progress on forced labor in Burma after UN U/SYG Gambari's May 18-20 visit (ref A). He briefed Gambari in detail on ILO issues. Labor Minister U Thaung's meeting on Friday with Gambari did not go well, Horsey said, and only reconfirmed the GOB's non-cooperative status quo (ref B). When Gambari raised forced labor with Senior General Than Shwe on Saturday, Than Shwe replied, "we'll have to do something about it," but then identified U Thaung as the responsible official for follow-up. After Gambari's departure, the Labor Minister did not respond to Horsey's requests for a meeting.

Negative Signals

[1](#)3. (C) Further demonstrating its disdain for the ILO while

Gambari was in Burma, Horsey noted that on May 19, a GOB court instructed police to arrest and imprison Aung Than Tun, a Burmese citizen who had supported local villagers in their forced labor claims against GOB officials. Aung Than Tun has now gone into hiding. That the arrest order was issued during Gambari's visit, Horsey said, clearly showed that the regime has no plans to change its practices. If the GOB intended to give a positive signal to the international community, Horsey added, it could also free Su Su Nway, who is serving 18 months in prison for supporting a successful forced labor case against authorities (ref C). Gambari specifically requested her release to Than Shwe.

¶4. (C) In a meeting on May 24, the Labor Minister told the Japanese Ambassador, Nobutake Odano, that the GOB remained committed to continue prosecuting those who make claims of forced labor. According to Horsey, when Ambassador Odano urged the GOB to take positive steps before the ILC, such as suspending prosecution of claimants and developing a mechanism to address forced labor cases, the Minister said that the GOB must continue these prosecutions, he told the Japanese Ambassador, "because failure to do so would undermine our legal system." No new mechanism was needed, he claimed, saying, "the current mechanism is sufficient. We will work with the Liaison Officer when he passes us information. There will be no change in the procedure." Horsey said that he no longer travels to the interior of the country, even though the GOB now allows him to do so, because it puts those he visits at risk for prosecution. "They cannot speak freely to me. Then, once I leave, they are visited by authorities, perhaps harassed, and they have no legal protection." Ambassador Odano unsuccessfully urged U Thaung to at least meet with Horsey before the ILC.

ILO Cannot Continue Business As Usual

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¶5. (C) Horsey said that Burma/ILO relations had entered a new phase, since more than a year has passed with no action, clearly demonstrating that the GOB is not serious about enforcing ILO conventions prohibiting forced labor. The GOB cannot continue prosecuting claimants and also remain a member of the ILO, he said. "The two are incompatible. The ILO cannot allow Burma to stay in the organization if it does nothing." While not forcing Burma to withdraw, Horsey said, the ILO needs to enforce its conventions. If the GOB decides to leave, the ILO can still work with the regime during the mandatory two year withdrawal period to address these issues.

¶6. (C) The GOB appears to be concerned about possible UN Security Council action, and may think that the ILO is only a "paper tiger," said Horsey, with no enforcement power. Officials may believe they have assuaged the UN for now by allowing Gambari access, and can safely ignore pressing ILO issues. Actions the ILC is considering, however, including referral to the International Court of Justice (ICJ), will have an impact, Horsey said. If, for example, the ICJ orders the GOB to stop forced labor, the issue could go to the UN Security Council.

¶7. (C) Horsey said the ILO will also consider creating an international conference on Burma, encompassing governments, employers, labor and NGOs to brainstorm targeted, effective measures, as the ILO did to address apartheid in South Africa. Horsey believes the GOB would take the possibility of being placed in the same category as South Africa's apartheid regime seriously. He noted that the Burmese Ambassador in Geneva will represent Burma at the ILC, and expressed regret that the Labor Minister would not be exposed to the variety of opinions sure to be voiced.

¶8. (C) In consultations with other missions in Rangoon, Horsey learned that Japanese, Chinese and Thai diplomats, among others, have supported the ILO's position with GOB

counterparts. Burma's "friends and neighbors" will have no grounds to defend the regime's inaction at this ILC, he said. "The GOB has done nothing, so there is nothing to support." Horsey plans to meet the Burmese Ambassador on May 29 in Geneva. He expressed hope that, by that time, Than Shwe would have passed instructions to begin cooperation with ILO efforts, but was not optimistic.

9 (C) Comment: Next week's coincidence of the ILC and Gambari's briefing is propitious. Ideally this could be Burma's opportunity to show a willingness to re-engage with the international community. However, if they continue to stonewall, then we should call them on it. The ILO has reached the end of the diplomatic rope. There is little more that the ILO can do here to encourage cooperation from the regime. The spectre of UN Security Council attention may have spurred the unexpected access allowed to UN U/SYG Gambari. The GOB needs to realize that its inaction in the ILO be considered negatively by the UNSC. UN U/SYG repeatedly emphasized that the international community will need to see action to back up GOB assurances. End comment.
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